

REMARKS

I. Introduction

This amendment is in response to the non-final Office Action dated December 4, 2008.

The Office Action rejected Claims 1, 4, 7-9 and 14 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,406,168 to Celi, Jr. et al. ("Celi"). Claims 2, 5, 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celi in view of "RFC3261: SIP Session Initiation Protocol" to Rosenberg et al. ("RFC3261"). Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celi in view of "RFC3515: The Session Initiation Protocol (SIP) Refer Method" to Sparks ("RFC3515"). Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celi in view of U.S. Pre-Grant Publication 2002/0194331 A1 to Lewis et al. ("Lewis").

Claim 17 is added, claims 1, 8, 11, 12, and 14 are amended herein, and claim 10 is canceled. No new matter is added by the amendments, which are supported throughout the specification and figures. In particular, new claim 17 is supported at least at paragraph 0027. Claims 1-9 and 11-17 are pending.

II. Rejections under 35 U.S.C. 103(a)

With the amendment of independent claims 1, 8, and 14 to include features of canceled claim 10, these independent claims are therefore discussed in view of the 35 U.S.C. 103(a) rejection of claim 10.

In order to “establish prima facie obviousness of a claimed invention, ***all claim limitations must be taught or suggested by the prior art.***” (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); emphasis added). Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). According to the Supreme Court, “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art,” and it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” (*KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007)).

Amended claim 1 recites the feature of “providing call feature processing including determining a primary and alternate routing number for said call”. This feature is substantially recited in original claim 10 which was rejected based on Celi in view of Lewis. However applicants submit that the combination of Celi and Lewis is improper. Celi relates to integrating legacy telephone environments and IP networks, and specifically relates to providing load balancing and routing services on a ***packet-based telephone network***. In stark contrast, Lewis relates to incoming call notifications ***for a mobile station***. Applicants submit that the problems addressed by Celi are completely distinct from the problems and issues addressed in Lewis. The section of Lewis relied on in the Office Action discusses sending “the incoming call notification to an alternate destination instead of to ***mobile station 14***”. (Lewis; paragraph 0053; emphasis added). However there is no suggestion or discussion relating to this service being provided by a call management system of a ***voice over IP network***. Furthermore, the illustration of a packet-switched network 34 in figure 1 of Lewis does not disclose or suggest setting up internet protocol network

calls, as recited in the preamble of claim 1. Applicants submit that the combination of the references is improper, and therefore the rejection based on the combination of the references should be withdrawn.

Each of the other independent claims has been amended to include features similar to those discussed above in regard to claim 1, and therefore each of the other independent claims is allowable for at least the same reasons as claim 1 is allowable.

Each of the dependent claims depends from an allowable independent claim, and therefore each of the dependent claims is allowable for at least the same reasons as their respective base claim is allowable.

New claim 17 ultimately depends from claim 1 and is therefore allowable for at least the same reasons as claim 1 is allowable. Additionally, claim 17 recites that the call control element sends another SIP INVITE message to the other network server, and the other network server determines the IP address of the alternate routing number. Applicants submit that this additional feature is not shown in the prior art, and therefore for at least this additional reason claim 17 is allowable

III. Conclusion

Applicants respectfully request reconsideration of the present application and allowance of all pending claims.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under

37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

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